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| EXAMINER |
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AMINZAY, SHAIMA Q

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| ART UNIT | PAPER NUMBER |
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2618

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/05/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|-------------------------------|-----------------------------|--|
| Office Action Summary | Application No. 10/757,019 | Applicant(s) NGUY ET AL. | |
| | Examiner Shaima Q. Aminzay | Art Unit 2618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-31 and 34-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-31 and 34-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to Pre-Appeal Conference Request filed on 8/15/2006, the rejection is withdrawn and the prosecution is reopened.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action

(a) Patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

1. Claims 28-31, and 34-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smethers (Smethers, U.S. Patent No. 6,463,304) in view of Bridle (Bridle et al., U.S. Patent No. 6, 163,680).

Regarding claim 28, Smethers discloses a half-duplex communication device identified by an initiator identification code (*see for example, Figures 1-7, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, the two-way (half-duplex) communication device with selecting and starting (initiating) identification*

code) comprising: a control device to receive an identification code stored in memory (see for example, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, the two-way (half-duplex) communication device controller identifies the received ID code stored in memory), transmit the initiator identification code and the identification code directly to a transceiver identified by a transceiver identification code [without the use of an intermediate network] (see for example, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, the two-way (half-duplex) communication device controller identifies the received ID code stored in memory), and receive acknowledgment information in response to the transceiver determining that the identification code matches the transceiver identification code (see for example, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, the two-way (half-duplex) communication device controller identifies the received ID code stored in memory)

Smethers does not specifically teach without the use of an intermediate network, however, Smethers teaches the two-way (half-duplex) transmission communications (see for example, Figure 3A and 3C, column 6, lines 51-67, the displayed menu (324, 320, 328; 370, 374, 378) to selected and execute the initiation, identification, and connection for two-way communications).

In related art dealing with two-way (half-duplex) communications (see for example, *Figures 2-6, column 1, lines 6-10, lines 50-60, column 2, lines 30-53, column 3, lines 60-61, column 4, lines 7-10, lines 23-37, lines 55-67, column 5, lines 1-7*), Bridle teaches direct transmission without the use of an intermediate network (see for example, *Figures 2-6, column 1, lines 6-10, lines 50-60, column 2, lines 30-53, column 3, lines 60-61, column 4, lines 7-10, lines 23-37, lines 55-67, column 5, lines 1-7*).

It would have been obvious to one of ordinary skill in the art at the time invention was made to have included Bridle's two-way direct transmission with Smethers's two-way (half-duplex) mobile communication to provide two-way (half-duplex) communication with maximize efficiency (*Smethers*, see for example, *column 1, lines 39-41*), and "to distribute the preferred resources throughout the whole communication resource and thereby, lessen the likelihood of clashes" (*Bridle*, see for example, *column 3, lines 7-9*).

Regarding claim 40, Smethers discloses a communication device identified by an initiator identification code (see for example, *Figures 1-7, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, the communication device with selecting and starting (initiating) identification code*) comprising: a processor to receive an identification code stored in memory (see for example, *column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59,*

column 4, lines 48-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, the communication device controller identifies the received ID code stored in memory), [automatically] scan a plurality of channels for an available not used for telephone communication (see for example, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, checking the available channels that not used), and transmit via the available primary channel the initiator identification code and the identification code to at least one transceiver identified by a transceiver identification code (see for example, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, transmission via available main (primary) channel and controller identifies the received ID code).

Smethers does not specifically teach automatically scanning channels, however, Smethers teaches checking (scanning) the channels (*see for example, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-67; column 5, lines 8-18, lines 29-35, column 6, lines 35-67, checking the available channels that are not used*).

In related art dealing with two-way (half-duplex) communications (*see for example, Figures 2-6, column 1, lines 6-10, lines 50-60, column 2, lines 30-53, column 3, lines 60-61, column 4, lines 7-10, lines 23-37, lines 55-67, column 5, lines 1-7*), Bridle teaches automatically scan the channels (*see for example, column 2, lines 2-8, column 4, lines 55-67, column 5, lines 1-19*).

It would have been obvious to one of ordinary skill in the art at the time invention was made to have included Bridle's two-way communication channel selection with Smethers's two-way (half-duplex) mobile communication to provide two-way (half-duplex) communication with maximize efficiency (*Smethers*, see for example, column 1, lines 39-41), and "to distribute the preferred resources throughout the whole communication resource and thereby, lessen the likelihood of clashes" (*Bridle*, see for example, column 3, lines 7-9).

Regarding claim 46, Smethers discloses a system to provide half-duplex communication (see for example, *Figures 1-7, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, the two-way (half-duplex) communication system*) comprising: an initiator transceiver having an initiator identification code and to receive an identification code stored in memory (see for example, *column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, the two-way (half-duplex) communication controller identifies the received ID code stored in memory*), [automatically] scan a plurality of channels for an available channel (see for example, *column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, checking the available channels*), and transmit, using the available channel, the initiator identification code and the

identification code (see for example, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, transmission via available channel and controller identifies the received ID code and initiation code); and a recipient transceiver having a recipient identification code and to receive the initiator identification code and the identification code (see for example, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67) and automatically transmit, using the available channel (see for example, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, transmission via available channel), the recipient identification code to the initiator transceiver if the identification code matches the recipient identification code (see for example, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, the controller identifies the received ID code and the initiating transceiver).

Smethers does not specifically teach automatically scanning channels, however, Smethers teaches checking (scanning) the channels (see for example, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, checking the available channels that are not used).

In related art dealing with two-way (half-duplex) communications (see for example, *Figures 2-6, column 1, lines 6-10, lines 50-60, column 2, lines 30-53, column 3, lines 60-61, column 4, lines 7-10, lines 23-37, lines 55-67, column 5, lines 1-7*), Bridle teaches automatically scan the channels (see for example, *column 2, lines 2-8, column 4, lines 55-67, column 5, lines 1-19*).

It would have been obvious to one of ordinary skill in the art at the time invention was made to have included Bridle's two-way communication channel selection with Smethers's two-way (half-duplex) mobile communication to provide two-way (half-duplex) communication with maximize efficiency (*Smethers*, see for example, *column 1, lines 39-41*), and "to distribute the preferred resources throughout the whole communication resource and thereby, lessen the likelihood of clashes" (*Bridle*, see for example, *column 3, lines 7-9*).

Regarding claims 29 and 42, Smethers and Bridle teach all the limitations of claims 28, and 40, and further, Bridle teaches wherein the processor has a direct wireless link to the at least one transceiver without the use of a telephone network (see for example, *Figures 2-6, column 1, lines 6-10, lines 50-60, column 2, lines 30-53, column 3, lines 60-61, column 4, lines 7-10, lines 23-37, lines 55-67, column 5, lines 1-7*).

Regarding claim 30, Smethers and Bridle teach all the limitations of claim 28, and further, Smethers teaches wherein the acknowledgement information

includes the transceiver identification code (*see for example, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, transmission via available main (primary) channel and controller identifies the received ID code*).

Regarding claim 31, Smethers and Bridle teach all the limitations of claim 28, further, Smethers teaches wherein the control device *[automatically]* scan a plurality of channels for an available channel (*see for example, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, checking the available channels*), and further, Bridle teaches automatically checking channels (*see for example, column 2, lines 2-8, column 4, lines 55-67, column 5, lines 1-19*).

Regarding claim 34, Smethers and Bridle teach all the limitations of claim 28, and further, Smethers teaches wherein the control device receives voice data, scrambles the voice data (*see for example, Figures 1-7, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 5, lines 8-18, lines 29-35, column 6, lines 35-67*), and transmits the scrambled voice data to the transceiver (*see for example, Figures 1-7, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 5, lines 8-18, lines 29-35, column 6, lines 35-67*).

Regarding claim 35, Smethers and Bridle teach all the limitations of claim 34, and further, Smethers teaches wherein the transceiver descrambles the voice data (*see for example, Figures 1-7, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 5, lines 8-18, lines 29-35, column 6, lines 35-67*).

Regarding claim 36, Smethers and Bridle teach all the limitations of claim 34, and further, Smethers teaches wherein the control device scans the plurality of channels for a signal or interference and designates the available channel as a primary channel (*see for example, Figures 1-7, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 5, lines 8-18, lines 29-35, column 6, lines 35-67*) and another available channel as a standby channel (*see for example, Figures 1-7, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 5, lines 8-18, lines 29-35, column 6, lines 35-67*).

Regarding claim 37, Smethers and Bridle teach all the limitations of claim 36, and further, Smethers teaches wherein the control device creates an available channel table that includes a plurality of channel numbers representing the plurality of channels that did not have the signal or interference (*see for example, Figures 1-7, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3,*

lines 22-35, lines 50-59, column 5, lines 8-18, lines 29-35, column 6, lines 35-67).

Regarding claim 38, Smethers and Bridle teach all the limitations of claim 28, and further, Smethers teaches wherein the initiator identification code is selected from a group consisting of a name or a number (see for example, *Figures 3A-3C, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 61-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, column 9, 1-8).*

Regarding claim 39, Smethers and Bridle teach all the limitations of claim 28, and further, Smethers teaches wherein the transceiver identification code is selected from a group consisting of a name or a number (see for example, *Figures 3A-3C, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 61-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, column 9, 1-8).*

Regarding claim 41, Smethers and Bridle teach all the limitations of claim 40, and further, Smethers teaches wherein the processor *[automatically]* scans the plurality of channels for an available secondary channel and receives via the available secondary channel the transceiver identification code (see for example, *column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, checking the available*

channels), and further, Bridle teaches automatically checking channels (see for example, column 2, lines 2-8, column 4, lines 55-67, column 5, lines 1-19).

Regarding claim 43, Smethers and Bridle teach all the limitations of claim 40, and further, Smethers teaches wherein the processor receives the transceiver identification code in response to the at least one transceiver determining that the identification code matches its transceiver identification code (see for example, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 48-60, column 5, lines 8-18, lines 29-35, column 6, lines 35-67).

Regarding claim 44, Smethers and Bridle teach all the limitations of claim 40, and further, Smethers teaches wherein the initiator identification code is selected from a group consisting of a name or a number (see for example, Figures 3A-3C, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 61-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, column 9, 1-8).

Regarding claim 45, Smethers and Bridle teach all the limitations of claim 40, and further, Smethers teaches wherein the transceiver identification code is selected from a group consisting of a name or a number (see for example, Figures 3A-3C, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column

3, lines 22-35, lines 50-59, column 4, lines 61-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, column 9, 1-8).

Regarding claim 47, Smethers and Bridle teach all the limitations of claim 46, and further, Bridle teaches wherein the initiator transceiver has a direct wireless link to the recipient transceiver without the use of a telephone network (*see for example, Figures 2-6, column 1, lines 6-10, lines 50-60, column 2, lines 30-53, column 3, lines 60-61, column 4, lines 7-10, lines 23-37, lines 55-67, column 5, lines 1-7).*

Regarding claim 48, Smethers and Bridle teach all the limitations of claim 46, and further, Bridle teaches wherein the initiator transceiver transmits the initiator identification code and the recipient identification code directly to the recipient transceiver without the use of an intermediate network (*see for example, Figures 2-6, column 1, lines 6-10, lines 50-60, column 2, lines 30-53, column 3, lines 60-61, column 4, lines 7-10, lines 23-37, lines 55-67, column 5, lines 1-7).*

Regarding claim 49, Smethers and Bridle teach all the limitations of claim 46, and further, Smethers teaches wherein the initiator transceiver and the recipient transceiver operate using half-duplex communication (*see for example, Figures 1-7, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, the*

communication is two-way (half-duplex)).

Regarding claim 50, Smethers and Bridle teach all the limitations of claim 46, and further, Smethers teaches wherein the initiator transceiver and the recipient transceiver include a scrambler for encoding voice data and a descrambler for decoding voice data (*see for example, Figures 1-7, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 5, lines 8-18, lines 29-35, column 6, lines 35-67*).

Regarding claim 51, Smethers and Bridle teach all the limitations of claim 46, and further, Smethers teaches wherein the initiator transceiver automatically scans the plurality of channels for a signal or interference and designates the available channel as a primary channel (*see for example, Figures 1-7, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 5, lines 8-18, lines 29-35, column 6, lines 35-67*) and another available channel as a standby channel (*see for example, Figures 1-7, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 5, lines 8-18, lines 29-35, column 6, lines 35-67*).

Regarding claim 52, Smethers and Bridle teach all the limitations of claim 51, and further, Smethers teaches wherein the initiator transceiver creates an available channel table that includes a plurality of channel numbers representing

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the plurality of channels that did not have the signal or interference (*see for example, Figures 1-7, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 5, lines 8-18, lines 29-35, column 6, lines 35-67*).

Regarding claim 53, Smethers and Bridle teach all the limitations of claim 46, and further, Smethers teaches wherein the initiator identification code is selected from a group consisting of a name or a number (*see for example, Figures 3A-3C, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 61-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, column 9, 1-8*).

Regarding claim 54, Smethers and Bridle teach all the limitations of claim 46, and further, Smethers teaches wherein the transceiver identification code is selected from a group consisting of a name or a number (*see for example, Figures 3A-3C, column 1, lines 7-25, lines 61-67, column 2, lines 21-39, column 3, lines 22-35, lines 50-59, column 4, lines 61-67, column 5, lines 8-18, lines 29-35, column 6, lines 35-67, column 9, 1-8*).

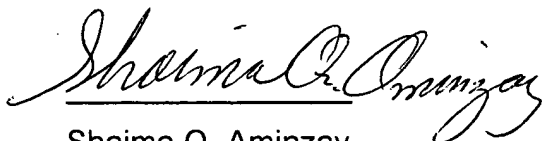
Conclusion

The prior art made of record considered pertinent to applicant's disclosure, see PTO-892 form.


Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-272-7874. The examiner can normally be reached on 7:00 AM -4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew D. Anderson can be reached on 571-272-4177. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Shaima Q. Aminzay
(Examiner)

December 23, 2006


NICK CORSARO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600